

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
SoundBite Communications, Inc.)	CG Docket No. CG 02-278
)	
Petition for Declaratory Ruling)	
)	

COMMENTS OF THE MOBILE MARKETING ASSOCIATION IN SUPPORT

We are writing in support of the SoundBite petition¹ for declaratory ruling regarding the narrow issue that sending a confirmatory text message to a consumer who has chosen to opt-out of receiving text messages does not violate the Telephone Consumer Protection Act (TCPA).

A central tenet of the Mobile Marketing Association (MMA) is that brand marketers and their marketing partners should always provide consumers with transparency, notice and choice. Encouraging this honesty engenders trust among consumers, and this trust is essential to creating a healthy marketplace and ecosystem for marketers and consumers alike.

The MMA, on behalf of its members from throughout the global mobile business community, began recommending this confirmatory text message practice to marketers in order to create a sensible circle of communication between a marketer and a consumer. After opting in to a text messaging program, a consumer receives text messages as requested. When the consumer decides to opt-out by sending a request to stop receiving future text messages to a marketer, the marketer, in the interest of consumer protection, sends an immediate confirmation

¹ *SoundBite Communications, Inc.*, Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (filed Feb. 16, 2012) (SoundBite Petition).

reply text message. The act of doing so ensures that the consumer has a “receipt” for his or her opt-out request and ensures that the consumer knows he or she will not receive any future text messages from that particular marketer. Closing this circle of communication protects the consumer and is therefore good public policy.

The importance of consumer protection, privacy and satisfaction must remain paramount as the industry continues to grow. A definitive ruling by the FCC stating that a confirmatory text message is not only allowed under existing TCPA rules, but is also encouraged, will help continue to provide certainty and comfort to consumers.

Dated: April 30, 2012

Respectfully submitted,

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